

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GLENN P. BOWMAN,)	
)	
Plaintiff,)	
)	
v.)	No. 3:04-CV-114
)	(VARLAN/SHIRLEY)
PHP COMPANIES, INC., d/b/a)	
CARITEN HEALTHCARE,)	
)	
Defendant.)	

MEMORANDUM & ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 163] of the Honorable Thomas A. Varlan, United States District Judge, for disposition of Defendant's Daubert Motion in Limine as to Proposed Expert Testimony by John R. Moore [Doc. 96].

The plaintiff has filed a supplemental response [Doc. 179] to the defendant's motion, representing that, in light of the District Court's ruling on the defendant's motion for summary judgment, the plaintiff has withdrawn his designation of Dr. John Moore as his expert witness. Based upon the plaintiff's representation, the Court finds the defendant's Daubert motion [Doc. 96] with respect to Dr. Moore to be moot. Accordingly, the Daubert hearing set for January 17, 2006

is **CANCELED**, and Defendant's Daubert Motion in Limine as to Proposed Expert Testimony by John R. Moore [Doc. 96] is hereby **DENIED AS MOOT**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge